

REMARKS

Claims 1-44 and 49 were pending in the Application prior to the outstanding Office Action. With this Amendment, claims 1-44 and 49 remain in the case. Claims 45-48 have been cancelled. The Examiner has rejected claims 1-5, 7-12, 14-19, 21-27, 29-34, 36-41, 43, 44 and 49 under 35 U.S.C. §120(e) as being anticipated by Koeppel et al. (U.S. 6,477,575). In addition, the Examiner has rejected claims 6, 13, 20, 28, 35 and 42 under 35 U.S.C. §103(a) as being unpatentable over Koeppel as applied to claims 1-5 above, and further in view of Chen et al. (U.S. 6,857,024).

As an additional matter, applicants submitted a Power of Attorney on 21 March 2006 empowering the attorneys associate with Customer Number 22470 to prosecute this application in the U.S. Patent Office. However, the instant action was mailed on 21 June 2006, three months later, to applicants' former attorneys. It is respectfully requested that the Patent Office correspondence information for this application be updated.

At the outset, applicants extend its thanks for Examiner Nguyen and SPE Vu for the courtesy of an in-person interview, conducted on September 20, 2006. As noted in the Interview Summary, applicant's representative and Messrs. Nguyen and Vu discussed Claim 1 and identified language that appeared to define patentable subject matter in relation to the cited art. That conclusion is subject to the usual requirement for an updated search, of course.

The Amendments submitted herewith incorporate the changes to Claim 1 that we identified in the interview. In addition, all independent Claims have been similarly amended to incorporate the agreed language.

The added language emphasizes and clarifies the key concept that the local application here is persistent on the client – that is, it is installed on its own and remains installed on the client. This installation, and the subsequent execution of the application, is entirely independent of the web engine, or browser, that also operates on the client. These two applications can interact and communicate, as do many other applications, but they are not dependent on one another in any way.

Supporting that concept, the claims now recite “a local application persistently residing on the client and executing independently of a client web engine.” The cited art, consisting of an applet downloaded in response to a client-side script, does not disclose or teach such an application.

Additionally, the claims now make clear that the local application collects information about user web navigation behavior “across multiple websites.” The cited art offers an applet to perform such functions, but an applet, tied as it is to a single website, inherently cannot collect information across multiple websites.

Thus, the cited art does not anticipate the invention as now claimed, nor did it render the invention obvious to a person of ordinary skill in the art at the time the invention was made.

CONCLUSION

It is respectfully submitted that this application is now in condition for allowance, and such action is requested. If the Examiner believes a telephone conference would aid the prosecution of this case in any way, please call the undersigned who can be reached at his office at (650) 712-0340, Monday through Friday, from 8:30 a.m. to 5:30 p.m. PST.

Fee Authorization. The Commissioner is hereby authorized to charge any additional fee determined to be due in connection with this communication, or credit any overpayment, to our Deposit Account No. 50-0869 (CLAR 1017-1).

Respectfully submitted,

Dated: 27 September 2006

/Joseph E. Root/
Joseph E. Root
Registration No. 30,678

HAYNES BEFFEL & WOLFELD LLP
P.O. Box 366
Half Moon Bay, CA 94019
Telephone: (650) 712-0340
Facsimile: (650) 712-0263